



APPLICATION ACCEPTED: March 2, 2012
PLANNING COMMISSION: July 26, 2012
BOARD OF SUPERVISORS: tbd

County of Fairfax, Virginia

July 10, 2012

STAFF REPORT

WS

APPLICATION SEA 88-S-077-5

SULLY DISTRICT

APPLICANT: Brookfield-Beverly Road Associates, LP

ZONING: C-6, WS, AN

PARCEL(S): 44-1((9))-A, -B, -C, -D1, -E2, -F2, -F3

ACREAGE: 49.73 acres

OPEN SPACE: 17.3%

FAR: 0.19

PLAN MAP: Retail and Other

SE CATEGORY: Category 6 – Waiver of Certain Sign Regulations

PROPOSAL: To amend a special exception previously approved for a service station, quick-service food store, car wash, drive-in financial institution, fast food restaurants, hotel, vehicle rental establishment, and an increase in building height to permit the construction of a freestanding sign that exceeds the maximum permitted sign area.

Brent Krasner, AICP

STAFF RECOMMENDATIONS:

Staff recommends approval of SEA 88-S-077-5, subject to the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

The approval of this special exception does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.

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Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Exception Amendment

SEA 88-S-077-05



Applicant:

BROOKFIELD-BEVERLY ROAD
ASSOCIATES LIMITED PARTNERSHIP

Accepted:

03/02/2012

Proposed:

AMEND SE 88-S-077 PREVIOUSLY APPROVED FOR A
SERVICE STATION, QUICK-SERVICE FOOD STORE, CAR
WASH, DRIVE-IN FINANCIAL INSTITUTIONS, FAST FOOD
RESTAURANTS, INCREASE IN BUILDING HEIGHT, HOTEL
AND VEHICLE RENTAL ESTABLISHMENT TO PERMIT
WAIVER OF CERTAIN SIGN REGULATIONS

Area:

49.73 AC OF LAND; DISTRICT - SULLY

Zoning Dist Sect:

04-0604, 09-0607, 09-0620

Art 9 Group and Use:

5-03, 5-11, 5-06, 5-20, 5-14, 5-25, 6-03,
5-21, 6-17

Located:

4320, 4335, AND 4368 CHANTILLY SHOPPING CENTER

Zoning:

C-6

Plan Area:

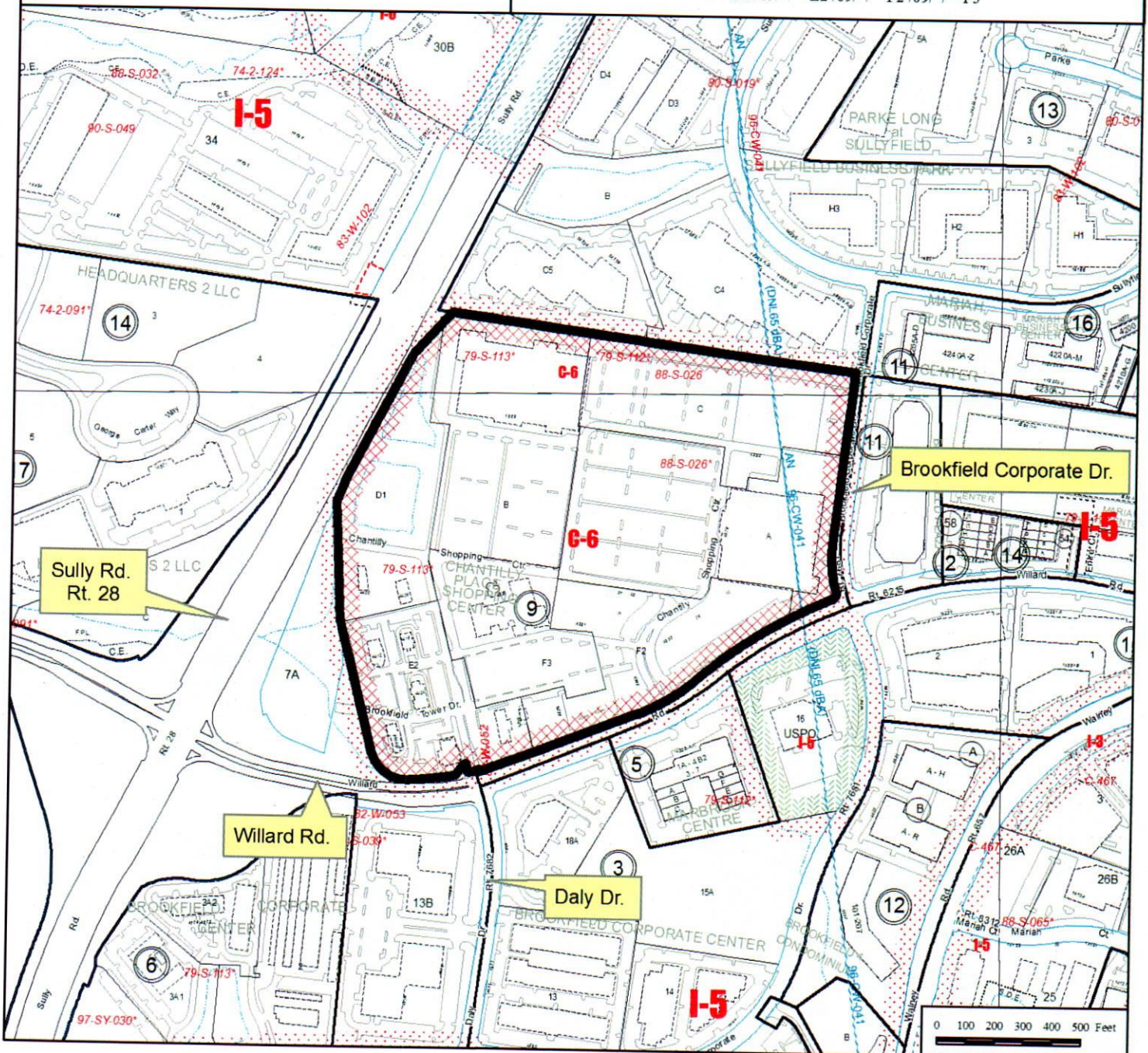
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Overlay Dist:

WS, AN

Map Ref Num:

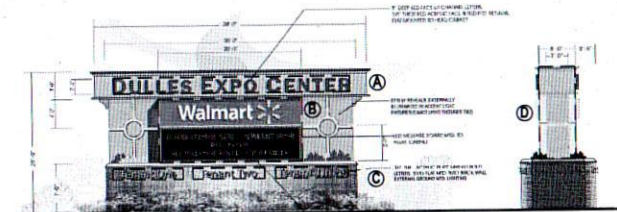
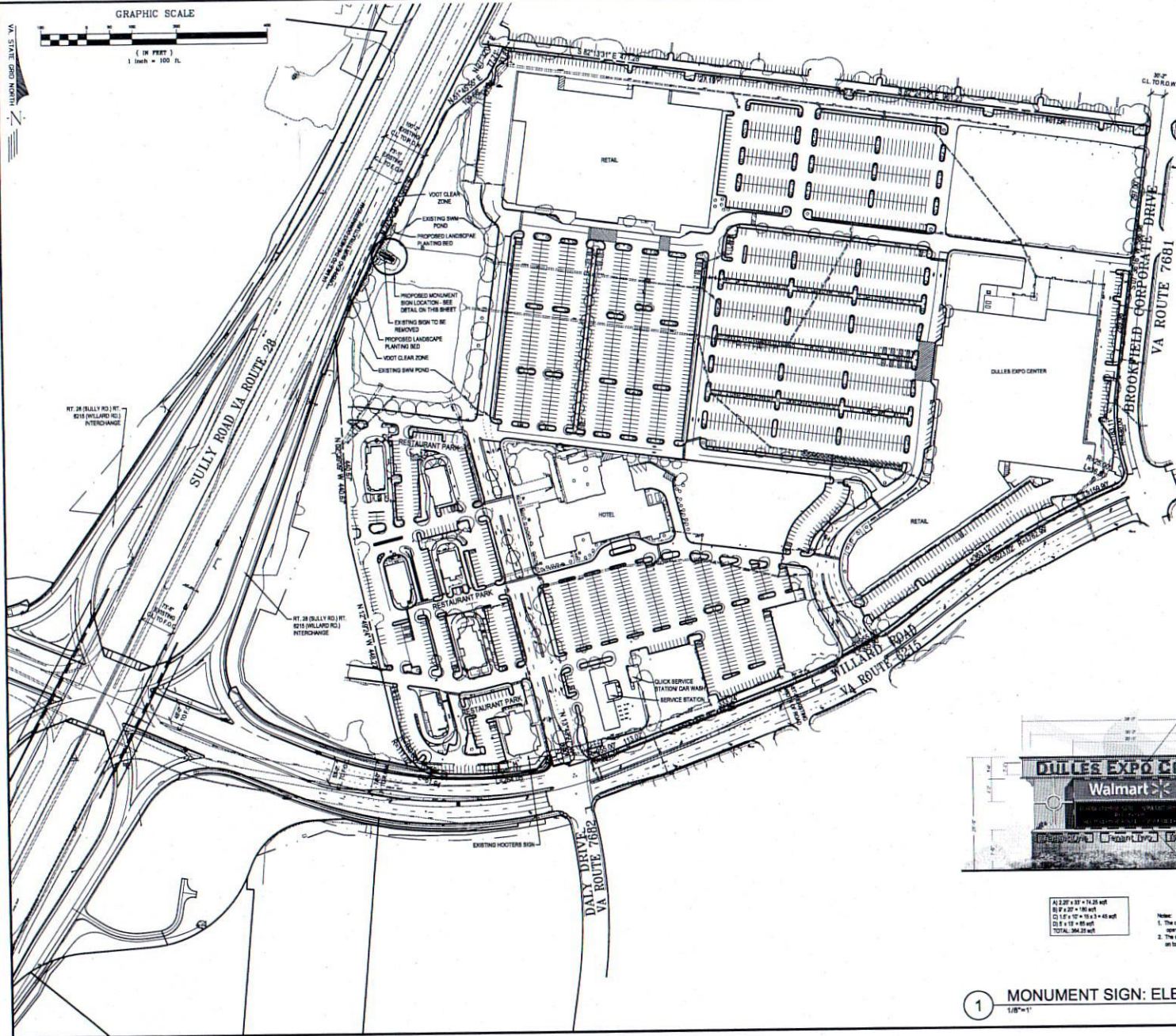
044-1-/09/ / A /09/ / B /09/ / C /09/
/ D1 /09/ / E2 /09/ / F2 /09/ / F3



VA STATE GRID NORTH

GRAPHIC SCALE

1 inch = 100 ft



A) 2.25' x 21' x 11.25' w/ft
B) 8' x 27' x 18' w/ft
C) 1.5' x 17' x 18' x 3' w/ft
D) 1.5' x 18' x 45' w/ft
TOTAL 364.25 w/ft

Notes:
1. The content of the sign may change to more than two (2) lines in a 24 hour period and will not be repeated in a 24 hour period or working mode.
2. The existing 'The Blue Devil' sign which is approximately 4' high by 20' wide and mounted on top of a 5' tall steel structure (10' tall total) will be removed. See certified plan for location.

1 MONUMENT SIGN: ELEVATION
1/8"=1'

<p>urban.</p> <p>Urban Design & Architecture, Inc. 10000 Lee Road, Suite 100 Chantilly, Virginia 20151 703.891.1000 www.urbandesign.com</p>		<p>DATE: June 22, 2012 CL: 2'</p>
<p>SPECIAL EXCEPTION AMENDMENT PLAT</p> <p>CHANTILLY PLACE SHOPPING CENTER</p> <p>SULLY DISTRICT FAIRFAX COUNTY, VIRGINIA</p>		<p>SCALE: 1"=100'</p>
<p>SHEET 2 OF 3</p>		<p>FILE No. SEA 88-S-077-5</p>
<p>PLANNING DESIGN CONSTRUCTION DATE</p>		<p>REVISIONS</p>

**A GLOSSARY OF TERMS FREQUENTLY
USED IN STAFF REPORTS WILL BE
FOUND AT THE BACK OF THIS REPORT**

DESCRIPTION OF THE APPLICATION

SEA 88-S-077-5

The subject property is located in the northeast quadrant of the intersection of Route 28 and Willard Road and is the site of the Dulles Expo Center and Chantilly Place Shopping Center. The applicant seeks a Special Exception Amendment, as specified in Sect. 9-620, to permit a waiver of certain sign regulations. Specifically, the applicant proposes to replace the conforming freestanding monument sign adjacent to Route 28 with a new, larger sign that will exceed the permitted sign area. The new sign would measure 364.25 sf. in area versus 80 sf. that is permitted under Par. 3 of Sect. 12-205 of the zoning ordinance.

A reduced copy of the Special Exception Amendment plat is included at the front of this report. The proposed development conditions, the Applicant's Affidavit, and the Statement of Justification are contained in Appendices 1, 2 and 3, respectively.

Waivers and Modifications:

Other than the waiver of freestanding sign area that is the subject of this application, no additional waivers or modifications are requested.

LOCATION AND CHARACTER

Location:

The 49.73 acre property is located in the northeast quadrant of the intersection of Route 28 and Willard Road, about ½ mile south of Route 50.

Site Description:

The property (see aerial photo in Figure 1) is developed with a total of 341,000 square feet of floor area that includes a recently-opened Walmart store, service and retail uses, a fast-food restaurant park (7 restaurants), a service station with mini-mart, and the Dulles Exposition Center building itself. A large surface parking area occupies the central portion of the site and two stormwater detention ponds are located at the western end of the property. There are two existing freestanding signs along Willard Road (south) and Route 28 (west). Only the Route 28 sign is the subject of this application. That sign currently measures 4' tall by 20' wide and is mounted on a 6.25' tall brick planter.

Surrounding Area Description:

The property abuts office and flex uses to the north and east. Additional office and light industrial/flex buildings are located to the south across Willard Road

and to the west across Route 28. A summary of the surrounding uses, zoning, and comprehensive plan recommendations are provided in the following table:

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North	Office/Flex	I-5	Office/retail/Industrial use up to 0.35 FAR
East	Office/Flex	I-5	Office/flex/ancillary retail up to 0.35 FAR
South	Office/Flex	I-5	Office/flex/ancillary retail up to 0.35
West	Office/Vacant	I-5	Office/hotel/restaurant use at 0.7-1.0 FAR

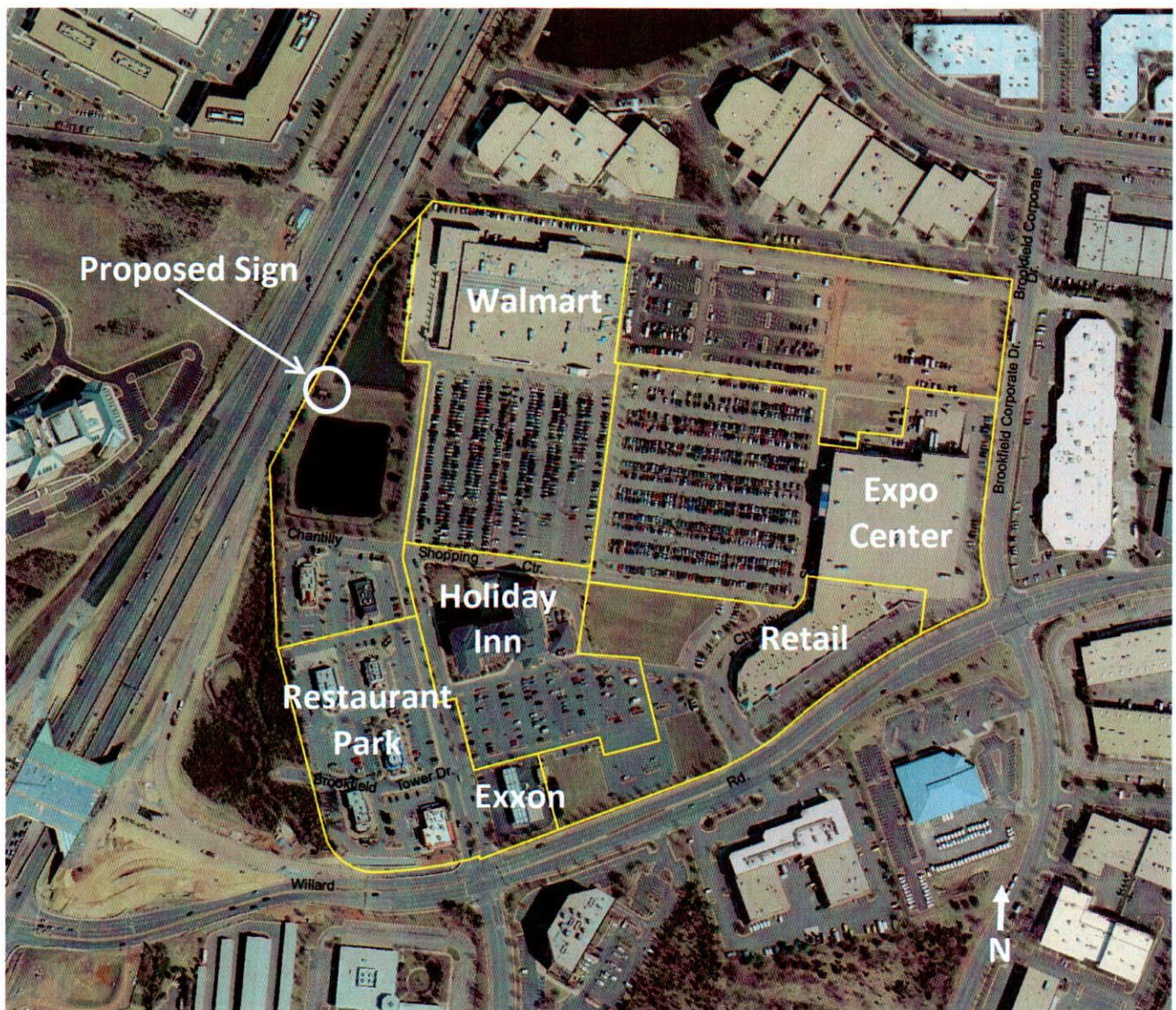


Figure 1. Aerial View of Site

BACKGROUND

The property was originally developed with the existing retail center in 1989. The property has been subject to the following zoning applications (existing proffers and conditions on file with DPZ):

- October 30, 1989 - The Board of Supervisors approved RZ 88-S-026 subject to proffers dated October 27, 1989, concurrent with SE 88-S-077 subject development conditions dated October 30, 1989. The rezoning application converted 50 acres (including all of the subject property) to C-6 to permit the development of a retail center including a restaurant park and one or more office buildings up to a maximum FAR of 0.35. The SE permitted a service station with quick service food store, car wash, fast food restaurants with drive-through windows, up to two drive-in banks, and an increase in building height to 75 feet for the potential office buildings. It should be noted that the approved GDP provides for a flexible development where the buildings in the restaurant park can be expanded within the building envelopes shown on the GDP and/or replaced with by-right retail uses. Other retail uses can be replaced with office towers up to a maximum height of 75 feet. Structured parking is also allowed.
- December 6, 1993 – The Board of Supervisors approved PCA 88-S-026 and SEA 88-S-077 to permit an expansion of the quick service food store and car wash approved with the original application. The proffers approved with the initial rezoning limited the size of the quick service food store to 500 square feet. Similarly, the Special Exception limited the size of the quick service food store and car wash to what was shown on the SE plat. This PCA amended the proffers to increase the size of the food store to 900 square feet and the SEA amended the SE Plat for the service station pad site to reflect the increase in size of the food store and enlargement of the car wash.
- May 18, 1998 – The Board approved SEA 88-S-077-02 to permit the addition of 961 square feet of land area to the service station/food store/car wash site in order to allow the addition of two additional pump islands and a commensurate expansion of the canopy. The amendment also formally changed the use from a service station/quick-service food store and car wash to a service station/mini-mart and car wash.
- June 18, 1998 – The Board approved PCA 88-S-026-02 and SEA 88-S-077-03 to amend the proffers to permit two hotels at the retail center and to amend the SE approval to allow an increase in the height for the hotels to 75 feet.
- November 23, 1998 – The Board adopted Annual Plan Review item 98-III-5BR, which amended the Comprehensive Plan to provide an option to increase the FAR on parcels 44-1 ((9)) A-F from 0.35 to 0.50 if the mixed uses of office, retail, exhibition center, and hotel are continued and expanded at the subject site.
- March 19, 2001, The Board approved a 30 month extension to commence construction of the two hotels approved with SEA 88-S-077-03 in 1998.

- In 2002, the Holiday Inn was constructed on parcel F-3. The second proposed hotel on parcel F-2 was never built and was substituted with a 45,000 sf. retail building.
- July 21, 2003 - The Board of Supervisors approved SEA 88-S-077-04 to permit a vehicle rental establishment to be located within the retail building on parcel F-2.
- 2011-2012 – The north exhibition building of the Expo Center was converted to a Wal-Mart Supercenter store as a by-right use. The store opened for business in March of 2012.

COMPREHENSIVE PLAN PROVISIONS (Appendix 4)

Plan Area:	III
Planning District:	Bull Run
Planning Sector:	BR-3 Flatlick
Special Area:	Dulles Suburban Center-Land Unit E-3
Plan Map:	Retail and Other
Plan Text:	

A review of the comprehensive plan's recommendations for the subject property indicates the site is generally developed in conformance with the plan. Specifically, the plan calls for a mixed-use center containing office, retail, exhibition center, and hotel uses at a maximum FAR of 0.70. Any development above 0.35 FAR is to address traffic on the surrounding roadways and include a grid of streets that promotes safe and improved vehicular and pedestrian circulation. The plan does not directly discuss signage, however it does recommend a coordinated, high-quality, urban style of architecture. The full plan text can be found in Appendix 5.

SE PLAT ANALYSIS

Special Exception Amendment Plat (SEA Plat) (Copy at front of report)

Title of SEA Plat:	"Special Exception Amendment Plat – Chantilly Place Shopping Center"
Prepared By:	Urban, Ltd.

Original and Revision Dates: November 14, 2011, revised through June 22, 2012

Number of Sheets: 3

Description of SEA Plat:

Proposed Layout and Signage Detail

The existing freestanding sign is located between the two stormwater ponds, adjacent to Route 28. The applicant's Special Exception Amendment Plat shows the new sign would replace the existing sign and be installed in the same location, set back 32.5 feet from the Route 28 right-of-way. Several of the existing Leland Cypress and White Pine trees located along the property's Route 28 frontage would be removed to make room for the new sign. The included signage detail (Figure 2) shows a three-tiered brick, concrete, and EIFS monument sign measuring 20' in height. The sign would contain the copy "Dulles Expo Center" in red lettering across the top followed below by a 180 sf. panel that includes both an internally illuminated sign for Wal-Mart and a LED message panel that would be used to identify events at the Expo Center. Below this is a horizontal row of three retail tenant signs measuring between 14 sf. and 20 sf. each. The tenant signs are mounted at the top of a seven foot tall brick base that is surrounded by foundation plantings. The total proposed sign area is 364.25 sf.



Figure 2. Detail of Proposed Sign

Plantings

As part of the signage installation, the applicant is proposing to remove between five and ten trees along the site's Route 28 frontage and relocate them to the eastern side of the wet pond. The applicant is proposing to install an area of low shrubs and groundcover around the base of the sign and in curvilinear planting beds that measure approximately 60 feet in length to the north and south of the sign base.

Architecture/Sign Design:

The signage detail provided on the SEA Plat shows a concrete, brick, and EIFS monument sign. The color palette is brown and beige earth tones with red and blue channel lettering. With the exception of the Walmart sign (which will be internally illuminated) the remainder of the monument sign will be externally illuminated by ground-mounted lighting fixtures. The LED panel will conform to the Zoning Administrator's interpretation of the ordinance provisions related to frequency of display changes (2 per 24 hour period) and will prohibit moving or scrolling text and graphics.

STAFF ANALYSIS***Land Use/Environmental Analysis***

When discussing the subject property, the Comprehensive Plan calls for a mixed-use center containing office and retail uses, an exhibition center, and a hotel at a maximum FAR of 0.70. While the plan does not provide any site-specific guidance related to signage, the area-wide recommendations for the Dulles Suburban Center do discuss the importance of visual unity that is achieved through, among other things, cohesiveness signage. In addition, the design guidelines for the Dulles Suburban Center specify that the signage style for a given development complex should establish a distinctive theme and eliminate visual clutter. It is recommended that ground-mounted signs be located within a planting strip.

In light of these recommendations, it is Staff's opinion that the design of the proposed sign is in conformance with the Comprehensive Plan. The materials used are compatible with the architectural design of the buildings in the shopping center and the neutral color palate and consistent lettering will help to minimize any negative visual effects from the larger sign when viewed from Route 28. While an electronic changeable copy (LED) panel is not typically encouraged by staff, the unique nature of the expo center use, with its regularly changing schedule of events and activities, provides some justification for supporting it. The particular nature of this use also provides a rationale to allow the applicant to exceed the normally permitted maximum sign area. Additional analysis of this aspect of the request is provided under the discussion of the special exception criteria in a following section of this report.

Urban Forest Management (Appendix 5)

The Urban Forest Management (UFM) Branch of DPWES reviewed the application and had several comments related to the proposed relocation of existing trees.

Issue: Relocation of Existing Trees

The applicant's proposal for the larger sign requires the removal of the approximately seven trees from along the site's Route 28 frontage. The applicant has proposed relocating these trees to the opposite side of the stormwater wet pond. Upon review, the urban forester has determined that the trees proposed for relocation consist of white pine and Leland cypress. In addition, the locations proposed for the relocation already contain existing vegetation that could be damaged in the process. As these trees do not qualify for canopy credit, staff recommends that in lieu of transplanting them, new Category IV canopy trees be installed instead.

Resolution

A development condition has been proposed that requires the replacement of the seven trees to be removed with 2-3 inch caliper Category IV trees, such as white oak or swamp white oak. With the adoption of this condition, staff believes this issue has been satisfactorily addressed.

Issue: Invasive Species

The applicant is proposing to plant *Nandina domestica* (Heavenly Bamboo) around the base of the sign. This species is known to be invasive in Fairfax County.

Resolution

A development condition has been proposed that will require the Heavenly Bamboo be substituted with a species native to the mid-Atlantic region, subject to approval of the Urban Forester. With the adoption of this condition, staff believes this issue has been satisfactorily addressed.

Transportation Analysis (Appendix 6)

Staff from FCDOT and VDOT reviewed the application and had no issues with the proposal.

Stormwater Management (Appendix 7)

Staff from DPWES reviewed the application and had no issues with the proposal.

ZONING ORDINANCE PROVISIONS (Appendix 8)

Signage is not subject to District bulk regulations; the site continues to conform to the minimum bulk standards for the C-6 District. With the exception of sign area, the proposed sign conforms to all other elements of Article 12 including setback and height.

Overlay District RequirementsWater Supply Protection Overlay District (WSPOD) (Sect. 7-808)

The Water Supply Protection Overlay District requires that developments provide water quality control measures designed to reduce by one-half the projected phosphorus runoff pollution for the proposed use. As the subject application does not include any new development beyond the new sign, the existing WSPOD measures in place for this site should not be affected by this particular SEA application; a final determination will be made at the time of site plan review.

Airport Noise Impact Overlay District (AN) (Sect. 7-400)

The subject property is located in the 70 dBA noise impact area within the AN overlay zone. As no new development is proposed with this application, the provisions of the AN overlay district do not apply to the subject application.

Waivers/Modifications:

Other than the waiver of sign regulations which is the subject of the special exception request, no other waivers or modifications are required as part of this application.

Special Exception RequirementsGeneral Special Exception Standards (Sect. 9-006)

General Standard 1 states *that the proposed use at the specified location shall be in harmony with the adopted Comprehensive Plan*. As discussed in the Land Use Analysis above, staff believes that the proposal for a larger than normally permitted monument sign, specifically as proposed and conditioned in this application, is consistent with the comprehensive plan's recommendations for the Chantilly Place property and the wider Dulles Suburban Center area.

General Standard 2 states that *the proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations*. The proposed new sign is consistent with the general purpose and intent of the C-6 District, which permits a shopping center to have one freestanding sign along each road frontage.

General Standard 3 requires that the proposed use *shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.* The proposed sign will be located mid-way along the site's Route 28 frontage. The nearest adjacent property is 400 feet away, across Route 28. As such, it does not appear that the new, larger sign will adversely affect or hinder the use or development of surrounding properties.

General Standard 4 states that *the proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.* The propped sign will be located north of the exit ramps from Route 28 onto Willard Road. Based on the SEA Plat, it is located outside of the required VDOT "clear zone". The LED portion of the sign will conform to the ordinance standards limiting changes to two in a 24 hour period. Accordingly, staff believes this standard has been satisfied.

General Standard 5 requires *that landscaping and screening be provided in accordance with the provisions of Article 13.* Although several existing trees are being removed and/or transplanted, the property will continue to conform to Article 13. Staff feels that this standard is satisfied.

General Standard 6 requires that *open space be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.* The site is within the C-6 Zoning District, which requires 15% open space. The site currently contains 17.3% open space and the current application will not affect this condition. Thus, this standard has been satisfied.

General Standard 7 requires that *adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided.* The current application proposes no changes to the utilities, drainage, or parking on-site. This standard is satisfied.

General Standard 8 requires that *signs be regulated by the provisions of Article 12; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance.* With the exception of the request which is the subject of this application, the signage on the property will continue to conform to Article 12.



Figure 3. Photo Simulation of View from Route 28 South

Additional Standards for a Waiver of Certain Sign Regulations (Sect. 9-620)

Standard 1 states that *such waiver may be for an increase in sign area, increase in sign height, or different location of a sign, not otherwise provided by Sect. 12-304. Such waiver shall not allow the erection of a freestanding sign or off-site sign, not otherwise permitted by this Ordinance, or the establishment of any sign prohibited by the provisions of Sect. 12-104.* The application is for an increase in sign area for a freestanding monument sign along the site's Route 28 frontage. One freestanding sign is permitted in this location per Article 12. As such, the request is within the scope of the special exception provisions.

Standard 2 states that *Such waiver may be approved only when it is demonstrated by the applicant that there are unusual circumstances or conditions in terms of location, topography, size or configuration of the lot; access to the lot; unusual size or orientation of the structure on the lot; or other unique circumstance of the land or structure that impacts the applicant's ability to provide for a reasonable identification of the use.* The applicant has presented several points in their Statement of Justification (Appendix 3) to substantiate the request for a larger sign. The Expo Center building is set back approximately 1,300 feet from Route 28 (see Figure 4) and is not easily visible from the surrounding roadways as it is partially obscured by the restaurant park and hotel. Moreover, the construction of the new Willard Road and Route 28 grade-separated interchange further obscures a clear

view of the center from Route 28 from the south. In addition to these physical factors, the unique nature of the Expo Center use itself provides supporting context for the request. With the presence of a conference and exhibition facility, the Chantilly Place Center functions differently than a typical shopping center. Unique in Fairfax County, the Dulles Expo Center, according to the applicant, attracts over 500,000 visitors spread over 55 events annually. Many of these visitors are not local Fairfax County residents and may be unfamiliar with the area. As the events at the Expo Center change frequently a rational argument can be made that there is a need to identify exhibits through the use of a LED panel. The combination of these factors creates a set of particular conditions that make a larger sign and one which incorporates the additional identification provided by the LED panel reasonable in this instance. Based on this, it is staff's opinion that the standard has been met.

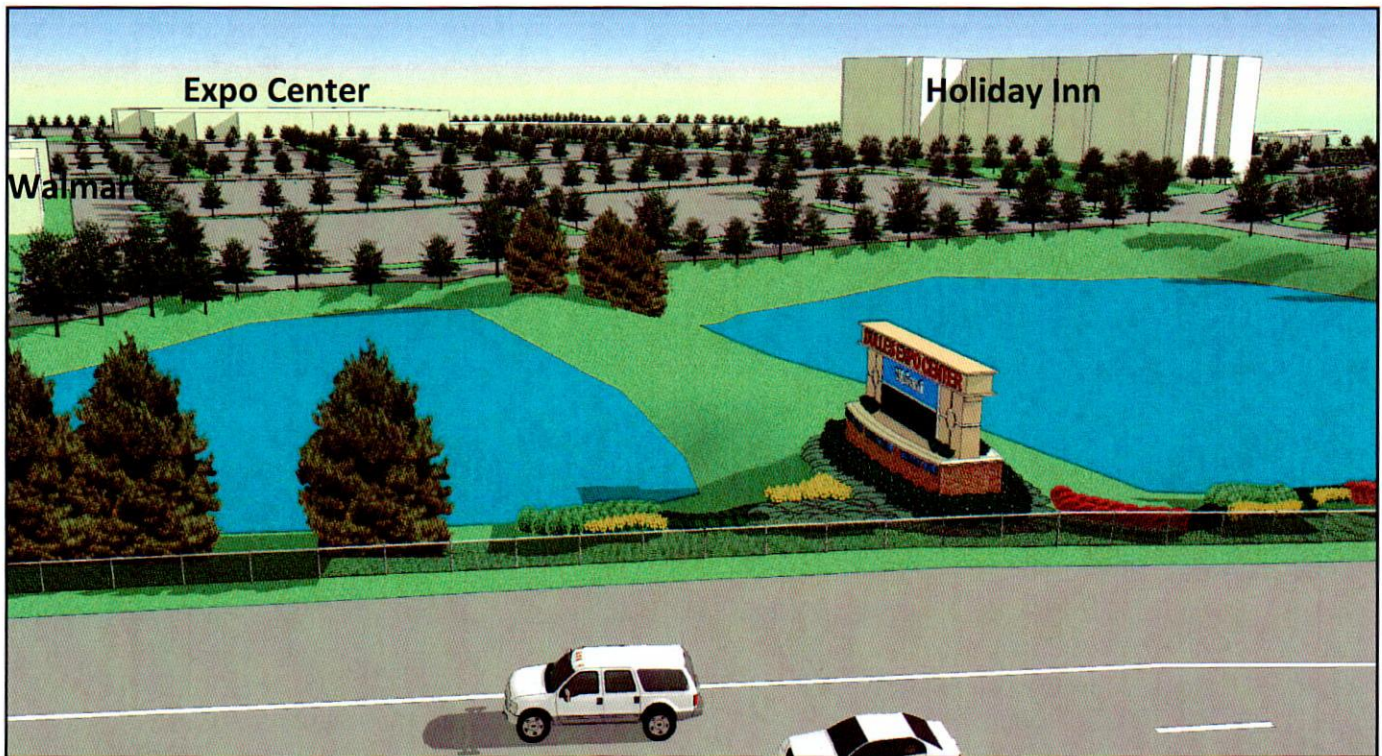


Figure 4. – Rendering of Proposed Sign

Standard 3 states that *it is determined that such waiver will be in harmony with the policies of the adopted comprehensive plan.* As discussed in earlier sections of this report, staff believes that the proposal to permit a larger sign is generally consistent with the Comprehensive Plan recommendations for the site and the guidelines for the wider Dulles Suburban Center Area. The proposed sign is designed to be compatible with the architectural design of the shopping center and, through the use of neutral colors and consistent fonts, to blend into the visual landscape as viewed from Route 28 (see Figures 3 and 4). In addition to the visual

effects, the Policy Plan Element of the Comprehensive Plan includes a section of goals and objectives related to promoting economic development throughout the County, especially within suburban centers. The Expo Center use is unique in Fairfax County and acts as a regional destination within the wider metropolitan area. The applicant has provided a reasonable argument that its continued success provides an economic benefit to the County by attracting visitors from the wider region to attend events here. To the extent that a more prominent sign will aid in identifying the location of the facility, inform the public about upcoming events, allowing the waiver promotes economic development consistent with the policies of the comprehensive plan, thereby satisfying this standard.

Standard 4 states that A waiver of the sign provisions may be approved only in those locations where, based upon a review of the relationship of the sign to the land, buildings and conforming signs in the neighborhood, it is determined that the sign will not have any deleterious effect on the existing or planned development of adjacent properties and that it is consistent with the purpose and intent of Article 12. At the recommendation of staff, the overall size of the sign was reduced from earlier submissions. Similarly, the design was revised to utilize neutral colors and an architectural style and materials consistent with the associated center that should minimize any negative visual effects from Route 28 or adjacent properties. Limits on the utilization of the LED panel to two changes per 24 hour period will ensure it does not create a distraction or hazard for passing motorists. While this sign will be larger in area than other freestanding signs in the immediate vicinity along Route 28, it is the opinion of staff that the large size of the property in conjunction with the unique nature of the Dulles Expo Center use and the presence of a multitude of other uses at the site, justify an increase in sign area and satisfies this standard.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

The application seeks a special exception amendment to allow an increase in the maximum permitted sign area. The applicant proposes a new freestanding monument sign along Route 28 measuring 364.25 sf. in area, where 80 sf. is permitted by right. It is Staff's opinion that, with the adoption of the proposed development conditions in Appendix 1, the proposed Special Exception Amendment is in harmony with the Comprehensive Plan and Zoning Ordinance.

Staff Recommendations

Staff recommends approval of SEA 88-S-077-5, subject to the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any development conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

The approval of this special exception amendment does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

APPENDICES

1. Proposed Development Conditions SEA 88-S-077-5
2. Affidavit for SEA 88-S-077-5
3. Statement of Justification
4. Comprehensive Plan Citations
5. Urban Forest Management Analysis
6. Transportation Analysis
7. Stormwater Management Analysis
8. Zoning Ordinance Provisions
9. Glossary

PROPOSED DEVELOPMENT CONDITIONS

SEA 88-S-077-5

July 12, 2012

If it is the intent of the Board of Supervisors to approve SEA 88-S-077-5 located at 7300 Chantilly Place [Tax Map 44-1 ((9)) A, B, C, D1, E2, F2, F3] to permit a waiver of certain sign regulations pursuant to Sect. 9-620 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions. These conditions are in addition to all previously approved conditions; including the special exception plats and detail sheets:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception amendment plat approved with the application, as qualified by these development conditions.
3. All previously approved Special Exception Plats remain in effect; in addition for the proposed freestanding sign along Route 28 this Special Exception is subject to the provisions of Article 17, Site Plans. Any plan submitted pursuant to the special exception amendment shall be in substantial conformance with the approved Special Exception Amendment (SEA) Plat entitled "Special Exception Amendment Plat-Chantilly Place Shopping Center", consisting of three sheets prepared by Urban, Ltd. dated November 14, 2011, as revised through June 22, 2012, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. Any portion of the property may be subject to a Special Exception Amendment (SEA) without the joinder and/or consent of the owners of the other portion of the property if such SEA does not affect such other portion of the property. Previously approved development conditions applicable to the portion of the property not subject to the SEA shall otherwise remain in full force and effect.
5. The overall dimensions and design of the sign, including the number, size and orientation of the tenant panels, lettering styles, colors, materials, and associated plantings, shall be generally consistent with the monument sign elevation detail shown on Sheet 2 of the SEA Plat. (specific logos, lettering style and/or colors of the tenant panels may be changed without a

Special Exception Amendment, provided the proposed changes remain consistent with the character of the sign depicted on the SE plat.) The three tenant panels located at the base of the sign shall be consistent in color, size and type of lettering.

6. With the exception of the waiver of maximum permitted sign area which is the subject of this application, the signage on the property shall conform to Article 12 of the Zoning Ordinance in all other respects.
7. All trees to be removed as a result of this application shall be replaced with new 2-3 inch caliper Category IV trees such as but not limited to, *Quercus alba* (White Oak) or *Quercus bicolor* (Swamp White Oak). Final location and species selection will be subject to approval from the Urban Forest Management (UFM) branch of DPWES.
8. The proposed *Nandina domestica* (heavenly bamboo) shown on Sheet 3 of the SEA plat shall not be permitted and shall be substituted with a native species shrub, subject to the approval of the Urban Forester.
9. All landscaping shall be maintained in good condition and shall receive regular maintenance. This maintenance includes, but is not limited to, removal of dead/diseased plantings and their prompt replacement to maintain the required landscaping of this Special Exception, as determined by Urban Forest Management.
10. All lighting for the proposed sign shall be in accordance with the Performance Standards contained in Part 9 (Outdoor Lighting Standards) of Article 14 of the Zoning Ordinance.
11. No temporary or advertising signs, including "popsicle" signs shall be placed along the street frontages or in the right-of-ways (Route 28 or Willard Road) of the subject property. Any such signs placed by others (except as permitted by law) shall be promptly removed by the management of the shopping center.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless, at a minimum, the use has been established or construction has commenced and been diligently prosecuted for one of the proposed buildings. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

SPECIAL EXCEPTION AFFIDAVIT

DATE: June 21, 2012
(enter date affidavit is notarized)

I, Stephen P. Pence, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) ☐ applicant
☒ applicant's authorized agent listed in Par. 1(a) below

115275a

in Application No.(s): SEA 88-S-077-5
(enter County-assigned application number(s), e.g. SE 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS and REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(**NOTE:** All relationships to the application listed above in **BOLD** print are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Brookfield-Beverly Road Associates Limited Partnership(1) Agents: Robert Frank Pence Stephen P. Pence	1359 Beverly Road, Suite 200 McLean, VA 22101	Applicant/Title Owner of Parcel 44-1-((9))-A/Agent for Title Owners of Parcels 44-1-((9))-B, C, D1, E2, F2, F3
Wal-Mart Real Estate Business Trust(2) Agent: Steven L. Mitcheal	702 SW 8th Street Bentonville, AR 72716	Title Owner of Parcel 44-1-((9))-B
Golden Brook, LLC(8) Agents: Robert Frank Pence Stephen P. Pence	1359 Beverly Road, Suite 200 McLean, VA 22101	Title Owner of Parcels 44-1-((9))-C, D1, E2, F2
Chantilly Hotel, LLC(9) Agents: Robert Frank Pence Stephen P. Pence	1359 Beverly Road, Suite 200 McLean, VA 22101	Title Owner of Parcel 44-1-((9))-F3

(check if applicable)

☒ There are more relationships to be listed and Par. 1(a) is continued on a "Special Exception Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Special Exception Attachment to Par. 1(a)

DATE: June 21, 2012
(enter date affidavit is notarized)for Application No. (s): SEA 88-S-077-5
(enter County-assigned application number (s))

115275 a

(NOTE: All relationships to the application are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel (s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Hunton & Williams LLP(12)	1751 Pinnacle Drive, Suite 1700 McLean, VA 22102	Attorneys/Agents for Applicant
Francis A. McDermott John C. McGranahan, Jr. Nicholas H. Grainger	1751 Pinnacle Drive, Suite 1700 McLean, VA 22102	Attorneys/Agents for Applicant
Susan K. Yantis Elaine O'Flaherty Cox	1751 Pinnacle Drive, Suite 1700 McLean, VA 22102	Planners/Agents for Applicant
Jeannie A. Mathews	1751 Pinnacle Drive, Suite 1700 McLean, VA 22102	Paralegal/Agent for Applicant
Urban Engineering & Associates, Inc. d/b/a Urban, Ltd.(13) Agents: Robert W. Brown Sara E. Sinclair Kyle M. Berseth	7712 Little River Turnpike Annandale, VA 22003	Engineers/Agents for Applicant
Bignell Watkins Hasser Architects, P.A., P.C.(14) Agent: George L. Hasser	One Park Place, Suite 250 Annapolis, MD 21401	Architects/Agents for Applicant
Jack Stone Sign Co., Inc.(15) Agent: Christopher J. Stone	3131 Pennsy Drive Landover, MD 20785	Designer/Agent for Applicant

(check if applicable)

☐

There are more relationships to be listed and Par. 1(a) is continued further on a "Special Exception Attachment to Par. 1(a)" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: June 21, 2012
(enter date affidavit is notarized)

115275a

for Application No. (s): SEA 88-S-077-5
(enter County-assigned application number(s))

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name and number, street, city, state, and zip code) (2)Wal-Mart Real Estate Business Trust
702 SW 8th Street
Bentonville, AR 72716

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial and last name)

Sole Managing Trustee: Karen L. Roberts
Sole Beneficiary: Wal-Mart Property Co.(3)

(check if applicable) ☒ There is more corporation information and Par. 1(b) is continued on a "Special Exception Affidavit Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Special Exception Attachment to Par. 1(b)

DATE: June 21, 2012
(enter date affidavit is notarized)

for Application No. (s): SEA 88-S-077-5
(enter County-assigned application number (s))

115275a

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

(3)Wal-Mart Property Co.
702 SW 8th Street
Bentonville, AR 72716

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Wal-Mart Stores East, LP(4)

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

(5)WSE Investment, LLC
702 SW 8th Street
Bentonville, AR 72716

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Wal-Mart Stores East, LLC(6)

(check if applicable) ☒ There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

Special Exception Attachment to Par. 1(b)

DATE: June 21, 2012
(enter date affidavit is notarized)

115 275 a

for Application No. (s): SEA 88-S-077-5
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

(6)Wal-Mart Stores East, LLC
702 SW 8th Street
Bentonville, AR 72716

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Wal-Mart Stores, Inc.(7)

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

(7)Wal-Mart Stores, Inc.
702 SW 8th Street
Bentonville, AR 72716

DESCRIPTION OF CORPORATION: (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
☒ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Publicly traded on the NYSE.

Two individuals are beneficial owners of more than 10% of a class of stock: Jim C. Walton
S. Robson Walton

(check if applicable) ☒ There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

Special Exception Attachment to Par. 1(b)

DATE: June 21, 2012
(enter date affidavit is notarized)

115275a

for Application No. (s): SEA 88-S-077-5
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

(8)Golden Brook, LLC
1359 Beverly Road
McLean, VA 22101

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Robert Frank Pence, Manager and Member
Beverly M. Dictz, Member

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

(9)Chantilly Hotel, LLC
1359 Beverly Road
McLean, VA 22101

DESCRIPTION OF CORPORATION: (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
☒ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Robert Frank Pence, Manager/Member	MEMBERS:
Stephen P. Pence, Manager/Member	Brian F. Pence
	Susan S. Pence
	JKN Investment Co., L.P.(10)
	KRN Investment Co., L.P.(11)

(check if applicable) ☒ There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

Special Exception Attachment to Par. 1(b)

DATE: June 21, 2012
(enter date affidavit is notarized)

115275a

for Application No. (s): SEA 88-S-077-5
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
(13) Urban Engineering & Associates, Inc. d/b/a Urban, Ltd.
7712 Little River Turnpike
Annandale, VA 22003

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

J. Edgar Sears
Brian A. Sears

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
(14) Bignell Watkins Hasser Architects, P.A., P.C.
One Park Place, Suite 250
Annapolis, MD 21401

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Francis X. Watkins
George L. Hasser
Adil A. Nour
Richard J. Loeschke
Adeniyi A. Paul

(check if applicable) ☒ There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

Special Exception Attachment to Par. 1(b)

DATE: June 21, 2012
(enter date affidavit is notarized)

115275a

for Application No. (s): SEA 88-S-077-5
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

(13) Jack Stone Sign Co., Inc.
3131 Pennsy Drive
Landover, MD 20785

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Christopher J. Stone	Spencer D. Stone
Trevor A. Stone	John Patrick Stone
Todd E. Stone	
John A. Stone, Jr.	

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

DESCRIPTION OF CORPORATION: (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: June 21, 2012
 (enter date affidavit is notarized)

1/15275a

for Application No. (s): SEA 88-S-077-5
 (enter County-assigned application number(s))

1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, and number, street, city, state, and zip code)

(1) Brookfield-Beverly Road Associates Limited Partnership
 1359 Beverly Road
 McLean, VA 22102

(check if applicable) ☐ The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

GENERAL PARTNERS:

Robert Frank Pence
 Beverly M. Dietz

LIMITED PARTNERS:

Susan S. Pence
 Geoffrey W. Pence
 Stephen P. Pence
 Brian F. Pence

(check if applicable) ☒ There is more partnership information and Par. 1(c) is continued on a "Special Exception Affidavit Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Special Exception Attachment to Par. 1(c)

DATE: June 21, 2012
(enter date affidavit is notarized)

115275a

for Application No. (s): SEA 88-S-077-5
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

(4)Wal-Mart Stores East, LP
702 SW 8th Street
Bentonville, AR 72716

(check if applicable) ☐ The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g.,
General Partner, Limited Partner, or General and Limited Partner)

GENERAL PARTNER:

WSE Investment, LLC(5)

LIMITED PARTNER:

WSE Management, LLC

Owns less than 10% of Wal-Mart Real
Estate Business Trust

(check if applicable) ☒ There is more partnership information and Par. 1(c) is continued further on a
"Special Exception Attachment to Par. 1(c)" form.

Special Exception Attachment to Par. 1(c)

DATE: June 21, 2012
(enter date affidavit is notarized)

115275a

for Application No. (s): SEA 88-S-077-5
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

(10)JKN Investment Co., L.P.
565 Deadmore Street
Abingdon, VA 24210

(check if applicable) ☐ The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g.,
General Partner, Limited Partner, or General and Limited Partner)

GENERAL PARTNER:

J. Kevin Nicewonder

LIMITED PARTNERS:

Kim K. Nicewonder
John N. Nicewonder
Caroline G. Nicewonder

(check if applicable) ☒ There is more partnership information and Par. 1(c) is continued further on a
"Special Exception Attachment to Par. 1(c)" form.

Special Exception Attachment to Par. 1(c)

DATE: June 21, 2012
(enter date affidavit is notarized)

115275a

for Application No. (s): SEA 88-S-077-5
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

(11)KRN Investment Co., L.P.
21665 Plantation Road
Bristol, VA 24202

(check if applicable) ☐ The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g.,
General Partner, Limited Partner, or General and Limited Partner)

GENERAL PARTNER:

Kenneth R. Nicewonder

LIMITED PARTNERS:

Kenneth Reid Nicewonder II
Donald Ross Nicewonder

(check if applicable) ☒ There is more partnership information and Par. 1(c) is continued further on a
"Special Exception Attachment to Par. 1(c)" form.

Special Exception Attachment to Par. 1(c)DATE: June 21, 2012
(enter date affidavit is notarized)115 275 afor Application No. (s): SEA 88-S-077-5
(enter County-assigned application number (s))**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)(12)Hunton & Williams LLP
1751 Pinnacle Drive, Suite 1700
McLean, VA 22102(check if applicable) ☒ The above-listed partnership has no limited partners.**NAMES AND TITLES OF THE PARTNERS:** (enter first name, middle initial, last name, and title, e.g.,
General Partner, Limited Partner, or General and Limited Partner)

Benjamin C. Ackerly	P. Scott Burton	Juan C. Enjamio
Robert A. Acosta-Lewis	Ellis M. Butler	John D. Epps
Lawrence C. Adams	Ferdinand A. Calice	Patricia K. Epps
Michael F. Albers	Matthew J. Calvert	Phillip J. Eskenazi
Virginia S. Albrecht	Daniel M. Campbell	Joseph P. Esposito
Kenneth J. Alcott	Thomas H. Cantrill	Kelly L. Faglioni
Fernando C. Alonso	Curtis G. Carlson	Susan S. Failla
Chris M. Amantea	Jean Gordon Carter	Eric H. Feiler
Walter J. Andrews	Charles D. Case	Kevin C. Felz
Heather S. Archer	Thomas J. Cawley	Edward F. Fernandes
Charles E. G. Ashton	James N. Christman	Norman W. Fichthorn
L. Scott Austin	Whittington W. Clement	Andrea Bear Field
Ian Phillip Band	Herve' Cogels (nmi)	Kevin J. Finto
Sean M. Beard	Cassandra C. Collins	Melanie Fitzgerald (nmi)
John J. Beardsworth, Jr.	Stacy M. Colvin	Michael F. Fitzpatrick
Steven H. Becker	Terence G. Connor	Robert N. Flowers
Stephen John Bennett	S. Gregory Cope	William M. Flynn
Melinda R. Beres	Cameron N. Cosby	Laura M. Franze
Lucas Bergkamp (nmi)	Cyane B. Crump	Lauren E. Freeman
Lon A. Berk	Ashley Cummings (nmi)	Steven C. Friend
Douglas M. Berman	Alexandra B. Cunningham	Edward J. Fuhr
Mark B. Bierbower	William D. Dannelly	Charles A. Gall
Stephen R. Blacklocks	Samuel A. Danon	Daniel C. Garner
Jeffrey M. Blair	Barry R. Davidson	Douglas M. Garrou
Matthew P. Boshier	John A. Decker	Richard D. Gary
James W. Bowen	John J. Delionado	John T. Gerhart, Jr.
Lawrence J. Bracken, II	Stephen P. Demm	Jeffrey W. Giese
James P. Bradley	Dee Ann Dorsey	Neil K. Gilman
Sheldon T. Bradshaw	Edward L. Douma	C. Christopher Giragosian
David F. Brandley, Jr.	Mark S. Dray	Douglas S. Granger
Craig A. Bromby	Sean P. Ducharme	Laurie A. Grasso
Benjamin P. Browder	Deidre G. Duncan	J. William Gray, Jr.
A. Todd Brown, Sr.	Roger Dyer (nmi)	Charles E. Greef
Tyler P. Brown	Frederick R. Eames	Christopher C. Green
F. William Brownell	Maya M. Eckstein	Robert J. Grey, Jr.
Kevin J. Buckley	Joseph C. Edwards	Greta T. Griffith
Kristy A. Niehaus Bulleit	W. Jeffery Edwards	Brett L. Gross
Joseph B. Buonanno	John C. Eichman	Bradley W. Grout
Nadia S. Burgard	Emmett N. Ellis	Steven M. Haas
Eric R. Burner	Edward W. Elmore, Jr.	Miles B. Haberer
M. Brett Burns	Frank E. Emory, Jr.	Brian L. Hager

(check if applicable) ☒ There is more partnership information and Par. 1(c) is continued further on a
"Special Exception Attachment to Par. 1(c)" form.

Special Exception Attachment to Par. 1(c)

DATE: June 21, 2012
(enter date affidavit is notarized)

115275a

for Application No. (s): SEA 88-S-077-5
(enter County-assigned application number (s))**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)(12)Hunton & Williams LLP
1751 Pinnacle Drive, Suite 1700
McLean, VA 22102(check if applicable) ☒ The above-listed partnership has no limited partners.**NAMES AND TITLES OF THE PARTNERS:** (enter first name, middle initial, last name, and title, e.g.,
General Partner, Limited Partner, or General and Limited Partner)

Robert J. Hahn	David A. Kelly	Francis A. McDermott
Jarrett L. Hale	Douglas W. Kenyon	Alexander G. McGeoch
Eric J. Hanson	Michael C. Kerrigan	John C. McGranahan, Jr.
Ronald M. Hanson	Ryan T. Ketchum	Gustavo J. Membiela
Jason W. Harbour	Robert A. King	Mark W. Menezes
Ray V. Hartwell, III	Edward B. Koehler	Gary C. Messplay
Jeffrey L. Harvey	John T. Konther	Peter J. Mignone
John D. Hawkins	Torsten M. Kracht	Patrick E. Mitchell
Rudene Mercer Haynes	Christopher G. Kulp	Jack A. Molenkamp
Mark S. Hedberg	David Craig Landin	T. Justin Moore, III
Colleen Heisey (nmi)	Gregory F. Lang	Thurston R. Moore
Michael S. Held	David C. Lashway	Bruce W. Moorhead, Jr.
Gregory G. Hesse	Andrew W. Lawrence	Robert J. Morrow
David A. Higbee	Daniel M. LeBey	Ann Marie Mortimer
Thomas Y. Hiner	Bradley T. Lennie	Michael J. Mueller
D. Bruce Hoffman	L. Steven Leshin	Eric J. Murdock
Robert E. Hogfoss	Catherine D. Little	Frank J. Murphy, Jr.
John R. Holzgraefe	Steven R. Loeshelle	Ted J. Murphy
Cecelia Philipps Horner	David C. Lonergan	Thomas P. Murphy
George C. Howell, III	David S. Lowman, Jr.	David A. Mustone
Kevin F. Hull	Michael J. Madden, Jr.	James P. Naughton
Donald P. Irwin	Tyler Maddry (nmi)	Wim Nauwelaerts (nmi)
Jamie Zysk Isani	Kimberly M. Magee	Michael Nedzbala (nmi)
Judith H. Itkin	Manuel E. Maisog	Henry V. Nickel
Makram B. Jaber	Douglas M. Mancino	Lonnie D. Nunley, III
Timothy L. Jacobs	Alan J. Marcuis	Michael A. Oakes
Lori Elliott Jarvis	Brian R. Marek	Peter K. O'Brien
Matthew D. Jenkins	Fernando Margarit (nmi)	John T. O'Connor
Andrew E. Jillson	Stephen S. Maris	Leslie A. Okinaka
Harry M. Johnson, III	Thelma Marshall (nmi)	John D. O'Neill, Jr.
James A. Jones, III	Jeffrey N. Martin	Pam Gates O'Quinn
Kevin W. Jones	John S. Martin	Michael A. O'Shea
Laura Ellen Jones	J. Michael Martinez de Andino	Brian V. Otero
Dan J. Jordanger	Walfrido J. Martinez	Raj Pande (nmi)
Roland Juarez (nmi)	Joseph Clarke Mathews	Randall S. Parks
Thomas R. Julin	Laurie Ustall Mathews	Peter S. Partee, Sr.
W. Alan Kailer	John Gary Maynard, III	J. Steven Patterson
Andrew Kamensky (nmi)	Fraser A. McAlpine	William S. Patterson
Joseph C. Kearfott	William H. McBride	Robert Dean Pope
Michael G. Keeley	Michael C. McCann	Curtis D. Porterfield
G. Roth Kehoe, II	T. Allen McConnell	Laurence H. Posorske

(check if applicable) ☒ There is more partnership information and Par. 1(c) is continued further on a
"Special Exception Attachment to Par. 1(c)" form.

Special Exception Attachment to Par. 1(c)DATE: June 21, 2012
(enter date affidavit is notarized)115 275 afor Application No. (s): SEA 88-S-077-5
(enter County-assigned application number (s))**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)(12)Hunton & Williams LLP
1751 Pinnacle Drive, Suite 1700
McLean, VA 22102(check if applicable) ☒ The above-listed partnership has no limited partners.**NAMES AND TITLES OF THE PARTNERS:** (enter first name, middle initial, last name, and title, e.g.,
General Partner, Limited Partner, or General and Limited Partner)

Kurtis A. Powell	Rita A. Sheffey	Lynnette R. Warman
Lewis F. Powell, III	Ryan A. Shores	William L. Wehrum
J. Waverly Pulley, III	George P. Sibley, III	Peter G. Weinstock
Robert T. Quackenboss	Donald F. Simone	Malcolm C. Weiss
Dionne C. Rainey	Aaron P. Simpson	Mark G. Weisshaar
Katherine E. Ramsey	Jo Anne E. Sirgado	Kevin J. White
John Jay Range	Laurence E. Skinner	Jonathan M. Wilan
Stuart A. Raphael	Thomas G. Slater, Jr.	Amy McDaniel Williams
Robert S. Rausch	Brooks M. Smith	Mitchell G. Williams
Belynda B. Reck	Caryl Greenberg Smith	Holly H. Williamson
Baker R. Rector	John R. ("J. R.") Smith	Michael G. Wilson
Shawn Patrick Regan	Yisun Song (nmi)	Evan D. Wolff
Sona Rewari (nmi)	Lisa J. Sotto	Allison D. Wood
Thomas A. Rice	Joseph C. Stanko, Jr.	John W. Woods, Jr.
Jennings G. ("J. G.") Ritter, II	Todd M. Stenerson	David C. Wright
Kathy E. B. Robb	John J. Stenger	Richard L. Wyatt, Jr.
Daryl B. Robertson	Gregory N. Stillman	Scott F. Yarnell
Gregory B. Robertson	Fradyn Suarez (nmi)	David R. Yates
Patrick L. Robson	Yeongyo Anna Suh	William F. Young
Robert M. Rolfe	C. Randolph Sullivan	Lee B. Zeugin
Ronald D. Rosener	Jeffrey M. Sullivan	Manida Zimmerman (nmi)
Brent A. Rosser	Andrew J. Tapscott	
William L. S. Rowe	Robert M. Tata	
Marguerite R. ("Rita") Ruby	Rodger L. Tate	FORMER PARTNER:
D. Alan Rudlin	W. Lake Taylor, Jr.	
Mary Nash K. Rusher	Wendell L. Taylor	Michael J. Blayney
D. Kyle Sampson	Robin Lyn Teskin	
Karen M. Sanzaro	John Charles Thomas	
Stephen M. Sayers	Gary E. Thompson	
Arthur E. Schmalz	B. Cary Tolley, III	
Gregory J. Schmitt	Bridget C. Treacy	
John R. Schneider	Julie I. Ungerman	
Howard E. Schreiber	Surasak Vajazit (nmi)	
Jeffrey P. Schroeder	Mark C. Van Deusen	
Robert M. Schulman	C. Porter Vaughan, III	
Carl F. Schwartz	Emily Burkhardt Vicente	
P. Watson Seaman	Daniel G. Vivarelli, Jr.	
James S. Seevers, Jr.	Mark R. Vowell	
Douglass P. Selby	Amanda L. Wait	
Joel R. Sharp	Linda L. Walsh	
Michael R. Shebelskie	William A. Walsh, Jr.	

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued further on a
"Special Exception Attachment to Par. 1(c)" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: June 21, 2012
(enter date affidavit is notarized)

115275a

for Application No. (s): SEA 88-S-077-5
(enter County-assigned application number(s))

1(d). One of the following boxes **must** be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (**NOTE:** If answer is none, enter "NONE" on the line below.)

NONE

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Exception Attachment to Par. 2" form.

Application No.(s): SEA 88-S-077-5

(county-assigned application number(s), to be entered by County Staff)

Page Five

SPECIAL EXCEPTION AFFIDAVIT

DATE: June, 2012
(enter date affidavit is notarized)

115275a

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

Robert Frank Pence, Agent for Applicant, contributed in excess of \$100 to Supervisor Michael Frey on behalf of Pence-Friedel Developers, Inc., now known as The Pence Group, which corporation is not a party to this application.
Francis A. McDermott, Attorney for Applicant, has contributed in excess of \$100 to Supervisor Cook.
John C. McGranahan, Jr., Attorney for Applicant, has contributed in excess of \$100 to Supervisor Cook.
Thomas P. Murphy, a partner at Hunton & Williams LLP, has contributed in excess of \$100 to Supervisor Cook.

NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Special Exception Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

☐ Applicant

☒ Applicant's Authorized Agent

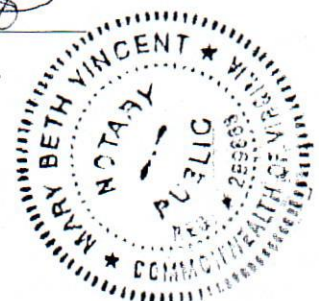
Stephen P. Pence, Agent for Applicant

(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 21st day of June, 2012, in the State/Comm. of Virginia, County/City of Fairfax.

My commission expires: 3/31/2013

Mary Beth Vincent
Notary Public
Ref. No. 299468



June 25, 2012**STATEMENT OF JUSTIFICATION****CHANTILLY PLACE SHOPPING CENTER
BROOKFIELD-BEVERLY ROAD ASSOCIATES, L.P.
SPECIAL EXCEPTION AMENDMENT APPLICATION (SEA 88-S-077-5)**

Brookfield-Beverly Road Associates, L.P. ("Applicant") requests Special Exception approval pursuant to Section 9-620 of the Zoning Ordinance for a waiver of certain sign regulations to permit the replacement of an existing freestanding sign for the Chantilly Place Shopping Center with one that exceeds the size requirements permitted pursuant to Article 12 of the Zoning Ordinance.

The Chantilly Place Shopping Center is identified on the Fairfax County Tax Map as parcels 44-1-((9))-A, -B, -C, -D1, -E2, -F2, and -F3 (the "Property"). The Property consists of approximately 49.73 acres and is located in the northeastern quadrant of the Route 28/Willard Road interchange, west of Brookfield Corporate Drive. The Route 50/Route 28 interchange is located approximately 2000 feet north of the Property. The Property is zoned to the C-6 Community Retail Commercial District ("C-6"), is located within the Water Supply Protection Overlay District ("WS"), and is subject to proffers approved in conjunction with RZ 88-S-026 as amended by PCA 88-S-026 thru PCA 88-S-026-2. Development of the Property is proffered for retail and office uses up to a .35 FAR.

Concurrent with the original rezoning, Special Exception application SE 88-S-077 was approved to permit an increase in building height for several possible office buildings, fast food restaurant uses with drive-thru windows and up to two drive-in banks. The fast food restaurant uses are clustered together in a "restaurant park" as shown on the approved SE and are not deemed to be part of the shopping center as it relates to signage. Subsequently, several special exception amendments were approved in conjunction with SEAs 88-S-077-1 thru -4 to amend previously approved uses and to permit, among others, a service station with quick service food store/car wash, and the establishment of hotel uses and a vehicle light service establishment on the Property. All previous SE and SEA approvals for the Property (SE 88-S-077 and SEA's 88-S-077-1 thru -4) are not affected by this SEA application and no changes to them are proposed with this application.

The Property is presently developed as a shopping center and a restaurant park which consists of approximately 341,000 square feet and contains a full service hotel, store-front retail and service uses, service station/quick service food store/car wash, eating establishment, six (6) fast food restaurants with drive-thru windows, and a premier exposition/conference facility known as The Dulles Expo Center. The Dulles Expo Center is the Washington, D.C. metropolitan area's second largest exhibition facility for consumer shows and trade events and the only one located in Fairfax County. Walmart recently adapted an existing building on the northern portion of the Property and opened to the public in March.

The shopping center is permitted a total of two (2) freestanding signs with one (1) freestanding sign for each frontage on a major thoroughfare -Route 28 and Willard Road. Currently, there is a freestanding sign identifying the "Dulles Expo and Conference Center" located on the western portion of the Property adjacent to Route 28. A second freestanding sign also identifying the Dulles Expo Center is located at the easternmost entrance to the Property on Willard Road.

The purpose of the Special Exception Amendment (SEA) application is to replace the existing freestanding sign located on the western portion of the Property adjacent to Route 28 with a new sign which will exceed the maximum sign area requirements set forth in the Zoning Ordinance. The existing freestanding sign is a two-sided brick monument sign that is 10.25 feet in height with a sign area of approximately eighty (80) square feet. Due to the construction of the grade-separated interchange at Route 28/Willard Road, the visibility of the Property has been severely impacted and the existing sign no longer provides for a reasonable identification of the Dulles Expo Center or other uses within the center.

Therefore, the Applicant proposes to replace the existing sign with a larger monument sign in order to provide for better and safer identification of the center and its diverse uses from Route 28. This shopping center is unique from other shopping centers in Fairfax County given the presence of the Dulles Expo Center which attracts over 500,000 visitors annually. Many of the visitors are traveling from outside the Washington, D.C. metropolitan region and are not familiar with the area. The proposed larger sign will promote traffic safety since motorists will be able to better identify the Dulles Expo Center and other uses in the center while traveling at high speeds on Route 28.

The replacement sign will be constructed in generally the same location as the existing sign. The proposed sign has been designed with architectural elements that will establish a distinctive design theme and identity for the center and Dulles Expo Center. Those architectural elements consist of (i) a brick monument base with a curved planter which will soften the edges and integrate it into the existing landscaping and (ii) accent decorative dryvit architectural panels on the upper portion of the sign which will identify the primary tenants in the shopping center – Dulles Expo Center and Walmart. Other tenants will be identified within signage plaques on the brick monument base. The brick and EFIS materials are composed of a palette of neutral tones which are aesthetically pleasing and consistent with the existing hotel and retail buildings.

The proposed elements have been designed to be compatible with the architecture of the existing retail and hotel uses through the use of similar materials, and are in scale with the facades of the existing buildings. The overall height of the sign will be 20 feet as permitted by the Zoning Ordinance, with a maximum sign area of 364.25 square feet as measured on Page 2 of the SEA Plat. The brick planter base will be externally illuminated with ground-mounted lights and accent lighting will be provided on the side panels. The sign face for the Dulles Expo Center will be internally lit. The proposed sign will also include a message board in order to identify the upcoming events at the Dulles Expo Center.

The following information addresses the requirements of Paragraph 7 of Section 9-011 of the Zoning Ordinance.

A. Type of operation:

The Applicant is requesting approval of a waiver of certain sign regulations for a proposed freestanding monument sign to replace the existing freestanding sign for the Dulles Expo Center located on the western portion of the Property adjacent to Route 28.

B. Hours of operation: N/A

C. Estimated number of patrons/clients/patients/pupils etc: N/A

D. Proposed number of employees/attendants/teachers/etc: N/A

E. Estimate of traffic impact of the proposed use, including the maximum expected trip generation and the distribution of such trips by mode and time of day: N/A

F. Vicinity or general area to be served by the use:

The retail and hotel uses within the shopping center and the restaurant park attract customers from the immediate Chantilly, Centreville, Fairfax, Reston, and Herndon areas as well as Loudoun County. The Dulles Expo Center, a 107,000 square foot exhibition facility, hosts over 55 events per year and draws approximately 500,000 visitors annually from within and outside the entire Washington, D.C. metropolitan area. Many of the visitors travel from areas such as Maryland, Pennsylvania, Delaware, North Carolina and West Virginia and are unfamiliar with the area. The proposed monument sign has been designed so that motorists traveling along Route 28 at high speeds can better identify the Dulles Expo Center and other uses in the shopping center.

G. Description of building façade and architecture of proposed new building or addition:

The proposed sign elevation is shown on the SEA Plat. The proposed sign has been designed as an architectural element that will establish a distinctive design theme and identity for the center and Dulles Expo Center. The sign is composed of a palette of neutral tones which are aesthetically pleasing and compatible with the architecture of the existing retail and hotel uses within the shopping center. The proposed architectural elements consist of a brick monument base with a curved planter which will integrate into the existing landscaping and decorative panels on the upper portion of the sign.

H. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on site and the size and contents of any existing or proposed storage tanks or containers:

To the best of the Applicant's knowledge, there are no known hazardous or toxic substances on the Property. If any such substances are found, the methods of disposal shall adhere to County, State and Federal law.

- I. A statement that the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions, or, if any waiver, exception or variance is sought by the applicant from such ordinances, regulations, standards and conditions, such shall be specifically noted with the justification for any such modification:

To the best of the Applicant's knowledge, the proposed sign will comply with all applicable standards, ordinances, and regulations, except that the Applicant requests Board of Supervisors approval of a waiver of certain signage regulations to permit this replacement freestanding sign that exceeds the sign area requirement in excess of that permitted pursuant to Article 12 of the Zoning Ordinance. The requested waiver is justified given the limited visibility of the Property and existing sign due to its proximity to the Route 28/Willard Road grade-separated interchange. Furthermore, the elimination of the at-grade intersection has resulted in greater volume capacity at higher travel speeds along Route 28 which limits the opportunity for a motorist to view the sign. In addition, the shopping center is unique in that it contains the Dulles Expo Center; and therefore, does not function as a typical shopping center in Fairfax County. The Dulles Expo Center is the only exhibition facility in Fairfax County and hosts approximately 55 events each year and attracts over 500,000 visitors annually, many of whom are not familiar with the area. The vast majority of the customers and visitors access the center from Route 28. The proposed sign will enable visitors to better identify the center and Dulles Expo Center while traveling on Route 28 which will improve traffic safety on this increased capacity, high speed roadway.

The following information addresses the additional standards for a waiver of certain sign regulations pursuant to Section 9-620 of the Zoning Ordinance.

Pursuant to Sections 12-203 and 12-205 of the Zoning Ordinance, the Applicant is allowed two (2) freestanding signs for the shopping center which cannot exceed 20 feet in height with a maximum sign area of 80 square feet for each sign. The Applicant seeks a waiver of the sign area requirement for one of these freestanding identification signs that has a maximum sign area of 364.25 square feet. This freestanding sign will be setback from the Route 28 right-of-way as shown on the SEA plat and in accordance with Par. 5 of Section 12-203 of the Zoning Ordinance.

1. Such waiver may be for an increase in sign area, increase in sign height or different location of a sign, not otherwise provided by Sect. 12-304. Such waiver shall not allow the erection of a freestanding sign or off-site sign, not otherwise permitted by this Ordinance, or the establishment of any sign prohibited by the provisions of Sect. 12-104:

The proposed SEA application is for an increase in sign area which is not otherwise provided by Section 12-304 of the Zoning Ordinance. In addition, the proposed SEA will not permit the establishment of a sign otherwise prohibited by Section 12-104 of the Zoning Ordinance.

2. Such waiver may be approved only when it is demonstrated by the applicant that there are unusual circumstances or conditions in terms of location, topography, size or configuration of the lot; access to the lot; unusual size or orientation of the structure on the lot; or other unique circumstance of the land or structure that impacts the applicant's ability to provide for a reasonable identification of the use:

The Applicant proposes to replace the existing freestanding sign with a new larger monument sign in order to provide better identification of the existing center and Dulles Expo Center. At the time the center was built, Route 28 was a four (4) lane roadway with Route 28 and Willard Road an at-grade, signalized intersection which was located approximately 500 feet from the Property. At that time, the existing sign provided reasonable identification of the shopping center and Dulles Expo Center from Route 28.

Since the conversion of the at-grade signalized intersection to a high capacity grade separated interchange at Route 28/Willard Road, visibility of the center and this existing sign has been severely impacted from both Route 28 and Willard Road west of the Property. The center is now located approximately fourteen (14) feet below the interchange and is no longer visible from the South on Route 28 due to the location of the ramps and bridge associated with the interchange. In addition, the widening of Route 28 to six (6) lanes and the elimination of the intersection have resulted in greater volume capacity at higher travel speeds - - opportunity for a motorist to view the sign has significantly decreased.

The proposed sign was originally designed in accordance with industry standards for sign legibility, size and placement which were developed based upon scientific analysis of human factors research, traffic engineering, and studies of variables such as adjacent road types, lanes and speeds, traffic safety, sign detectability and cones of vision, message acquisition and processing, intervals of eye movement alternating between the sign and the road environment, and active maneuvering of vehicles.

The location of the center and its proximity to the new interchange, and the changes in topographic elevations and increased speed along Route 28 as a result of the grade-separation are unique circumstances which have impacted the Applicant's ability to provide for reasonable identification of the use. In addition, the shopping center is unique in that the Dulles Expo Center is located on the Property, a 107,000 square foot exhibition facility that hosts approximately 55 events throughout the year. It is the only exhibition facility located within Fairfax County and draws over 500,000 visitors annually, many of whom are not familiar with the area. The Dulles Expo Center is located approximately 1300 feet from Route 28 and is not visible from the roadway. Therefore, the proposed larger

monument sign with its distinctive design theme will provide better and safer identification of the Dulles Expo Center and other uses in the shopping center. Based upon solid anecdotal data, trip distributions to and from the site are fairly evenly divided between north and south on Route 28.

The existing sign is entirely inadequate based upon the above standards and scientific studies, and has been eclipsed by the visual impediments from the interchange and the increased lane volumes and speeds on Route 28. As reduced in scale, the proposed sign no longer meets, but does at least approach the above standards, and is essential to improved wayfinding and traffic safety.

3. It is determined that such waiver will be in harmony with the policies of the adopted comprehensive plan:

The Comprehensive Plan includes policies to foster and promote economic development. The Dulles Expo Center is a unique use that provides an economic benefit to Fairfax County by attracting visitors and their expenditures from outside the Washington, D.C. metropolitan area.

The Property is located within Land Unit E-3 of the Dulles Suburban Center portion of the Area III Comprehensive Plan and is planned for a mixed use center including office, retail, exhibition center and hotel uses. The Property is located immediately adjacent to Route 28 and is surrounded by existing and planned industrial, industrial/flex uses and office uses. The Sullyfield Business Park is located to the north of Property and is planned and developed as a mix of office, retail and industrial uses up to a .35 FAR. The area south of Willard Road contains the majority of the Brookfield Corporate Center and is planned for campus-style office and industrial/flex development up to a maximum .35 FAR. Properties across Route 28 are located within Land Unit I of the Dulles Suburban Center and are planned for light industrial and industrial/flex uses up to a maximum .35 FAR with an option for a mix of hotel and office uses up to a .70 FAR. The proposed sign will not adversely affect the use or development of neighboring properties in accordance with the adopted comprehensive plan.

The design guidelines for the Dulles Suburban Center include the following recommendations:

STREETSCAPE

Landscaping

Provide a well-landscaped, high quality image both toward the street and on any facade that can be seen from adjacent buildings and streets.

Signage/Street Furniture

Create a signage style for a given development complex and carry it out consistently at major roads entering the complex and at building entries. Comprehensive sign

systems that establish a distinctive theme and identity and eliminate visual clutter are desirable. Building-mounted signs and ground-mounted shopping center signs incorporated within a planting strip are encouraged. Freestanding and pole-mounted signs are discouraged.

The existing center has extensive landscaping along Route 28. The applicant has included a proposed landscape plan that reflects the relocation of a few of the existing trees along Route 28 in order to accommodate the new sign. However, additional extensive landscaping to consist of shrubs and perennials will be provided around the monument sign and along Route 28. The proposed sign will be an attractive ground-mounted structure designed as an architectural element that will establish a distinctive design theme and identity for the shopping center and the Dulles Expo Center. The sign has a brick monument base with curved planters that will soften its edges and integrate it into the existing landscaping along the western portion of the Property. It will provide a high quality image toward Route 28 and create a distinct signage style for the center.

The proposed sign will not adversely affect the use or development of neighboring properties and is in harmony with the policies of the adopted comprehensive plan.

4. A waiver of the sign provisions may be approved only in those locations where, based upon a review of the relationship of the sign to the land, buildings and conforming signs in the neighborhood, it is determined that the sign will not have any deleterious effect on the existing or planned development of adjacent properties and that it is consistent with the purpose and intent of Article 12.

The Property is located immediately adjacent to Route 28 and is surrounded by property zoned I-3 and I-5 which contains industrial, industrial/flex and/or office uses. Route 28 is currently a six (6) lane divided highway and is planned to be widened to ten (10) lanes as set forth in the Comprehensive Plan. The proposed sign will be located adjacent to Route 28 generally at the same elevation as the roadway and will not be visible from properties to the north, east or south. Properties across Route 28 to the west are zoned I-5 and consist of an existing office building (Long and Foster) and vacant land. The proposed sign will be located across a six (6) lane highway approximately 400 feet from the existing office building. The proposed sign will not have any deleterious effect on the existing or planned development of adjacent properties and is consistent with the purpose and intent of Article 12.

The Special Exception Amendment application complies with the standards set forth in Section 9-005 of the Zoning Ordinance. The proposed sign will be in harmony with the Comprehensive Plan and with the general purpose and intent of the C-6 zoning district regulations. The proposed sign will be a significant enhancement and will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.

LAND UNIT E-3

CHARACTER

Land Unit E-3 consists of approximately 350 acres in the southeast quadrant of the intersection of Route 28 and Route 50. Flatlick Branch of Cub Run forms the southern boundary and Walney Road forms the eastern boundary (Figure 23).

Most of the land unit is developed, primarily in retail, industrial, industrial/flex and campus-style office use. The industrial and industrial/flex uses are primarily located in the northern portion of the land unit oriented to the Route 50/Route 28 interchange. This portion of the land unit includes the Sullyfield Business Park, developed at an FAR of approximately .35. Office use is located in the southern portion of the land unit south of Willard Road and includes the Brookfield Corporate Center at a similar intensity. Approximately 40 acres of the land unit are developed with public uses, including the Chantilly post office and a Fairfax County Park Authority nursery operation. Chantilly Place Shopping Center is located at the northeast quadrant of the intersection of Route 28 and Willard Road. A small amount of retail commercial use is located at the intersection of Route 50 and Walney Road. Part of this retail area includes a small retail center, Lee Jackson Station. The remainder of the strip retail uses in this vicinity may be impacted by the future interchange improvement planned for this intersection.

RECOMMENDATIONS

Land Use

- I. Except for Parcels 44-1((9))A-F, and Parcels 34-4((1))41-45, the area north of Willard Road is primarily developed as the Sullyfield Business Park. Sullyfield is planned and developed as a mix of office, retail and industrial uses at .35 FAR.
 - A mixed use center including office, retail, exhibition center and hotel uses, is planned for the northeast quadrant of the intersection of Route 28 and Willard Road (Parcels 44-1((9))A-F). Recognizing the synergy of the unique mix of uses approved for these parcels, an increase up to a maximum FAR of .70 could be appropriate for said parcels provided: 1) traffic impacts on surrounding road network, must be evaluated for any increase of development intensity above .35 FAR; addressed in conjunction with the any rezoning, proffer condition amendment and/or special exception application(s) seeking such an increase; 2) the redevelopment should contain a mix of office, retail, and hotel; and the exhibition center of no more than 310,000 square feet; 3) the site should redevelop in a manner that provides a grid of streets that promotes safe and improved on-site vehicular and pedestrian circulation and a coordinated, high quality, urban style of architecture; 4) plans for redevelopment should include additional safe and convenient site access from abutting streets that is appropriate to the type and intensity of the ultimate uses and pattern of development. As an alternative to the requirement to provide additional access point(s) referenced above, reconfiguration of existing access points, with the demonstration that such reconfiguration will adequately mitigate the proposed additional traffic, may be permitted; and 5) a portion of the site should be designed to incorporate access to the site for enhanced public transportation, which is anticipated to be provided in the corridor.



County of Fairfax, Virginia

MEMORANDUM

June 20, 2012

TO: Brent Krasner, Staff Coordinator
Zoning Evaluation Division, DPZ

FROM: Nicholas J. Drunasky, Urban Forester II
Forest Conservation Branch, UFMD

SUBJECT: Chantilly Place Shopping Center
(Brookfield-Beverly Road Associates), SEA 88-S-077-5

RE: Request for assistance dated June 11, 2012

Site Description: The area surrounding the proposed sign primarily consists of a grassy berm with an existing row of trees (white pines and deciduous) running parallel to Route 28 and two large storm water management facilities.

This review is based upon the special exception amendment SEA 88-S-077-5 to replace the existing freestanding sign along Route 28 with a new sign which will exceed the maximum height and sign requirements set forth in the Zoning Ordinance. This application is stamped as "Received by the Department of Planning & Zoning June 7, 2012." A site visit was conducted on March 30, 2012.

- 1. Comment:** Trees that are proposed for transplanting are not desirable species and two of the three species do not even qualify for the full 10-year canopy credit due to abiotic and biotic problems they may have. It does not make financial sense to relocate 2 - 3 inch caliper red maples, white pines, and Leyland cypress when replacements of more highly desirable species could likely be planted, which will likely perform better and become established quicker after planting. In addition, the proposed locations for the transplants appear to contain existing vegetation, which will be damaged by transplanting within these areas.

Recommendation: UFMD does not support transplanting species that are known to have significant biological problems that will likely limit their ability to provide a healthy 10-year canopy cover for the site. The applicant shall not show these seven trees being transplanted and shall provide seven 2-3 inch caliper, category IV, trees that are desirable and will provide a healthy 10-year canopy for the site such as white oak or swamp white oak.



2. **Comment:** Heavenly bamboo is proposed to be planted along the streetscape and around the sign, but is known to be invasive in Fairfax County.

Recommendation: UFMD does not support the planting of and heavenly bamboo and recommends the applicant replace it with a more appropriate species of native origin to the mid-Atlantic such as: Virginia sweetspire 'Little Henery', American beautyberry, summersweet, winterberry, inkberry, ninebark, or lowbush blueberry.

If you have any questions, please do not hesitate to contact me directly at 703-324-1770.

NJD/
UFMID #: 168980

cc: RA File
DPZ File





County of Fairfax, Virginia

MEMORANDUM

DATE April 11, 2012

TO: Barbara Berlin, Director
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Angela Kadar Rodeheaver, Chief
Site Analysis Section
Department of Transportation

FILE: 3-5 (SE 88--S-077)

SUBJECT: Transportation Impact

REFERENCE: SEA 88-S-077-5 Brookfield-Beverly Road Associates Limited Partnership
Traffic Zone: 1706
Land Identification Map: 44-1 ((9)) A, B, C, D1, E2, F2, F3

Transmitted herewith are the comments from the Department of Transportation with respect to the referenced application. These comments are based on a plat made available to this office dated November 14, 2011, and revised through February 13, 2012. The applicant proposes to replace the existing freestanding sign located on the western portion of the property adjacent to Route 28 with a new sign which will exceed the maximum height and sign requirements in the Zoning Ordinance. The existing monument sign that is 10.25 feet high with a sign area of approximately 80 square feet would be replaced by a sign 25 feet high with a maximum sign area of 460 square feet. The new sign would be internally lit and include a message board to identify events at the Expo Center.

This department has no transportation issues with this application.

AKR/LAH/lah



County of Fairfax, Virginia

MEMORANDUM

DATE: April 9, 2012

TO: Brent Krasner, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Sharad Regmi, Stormwater Engineer
Site Development and Inspections Division
Department of Public Works and Environmental Services

SUBJECT: Special Exception Amendment Application #SEA 88-S-077-5, Chantilly Shopping Center, Special Exception Amendment Plat dated February 13, 2012, LDS Project # 5344-ZONA-002-1, Tax Map #044-1-09-0000-A, B, C, D1, E2, F2, and F3, Sully District

We have reviewed the subject application and offer the following stormwater management comments.

Chesapeake Bay Preservation Ordinance (CBPO)

There is no Resource Protection Area (RPA) on this site. Water quality controls need to be addressed for this redevelopment (PFM 6-0401.2C).

Floodplain

There are no regulated floodplains on the property.

Stormwater Detention

Applicant needs to demonstrate on the SEA plat that the stormwater detention is provided for the proposed redevelopment. Stormwater detention is required, if not waived (PFM 6-0301.3).

Downstream Drainage Complaints

There are no recent downstream drainage complaints on file.

Site Outfall

An outfall narrative has not been provided (ZO 9-011.J (2) (C)).

Please contact me at 703-324-1720 if you require additional information.

SR/

cc: Don Demetrius, Chief, Watershed Evaluation Branch, SPD, DPWES
Shahab Baig, Chief, SDID-North, DPWES
Zoning Application File



SPECIAL EXCEPTIONS

allowing the alteration, even if the use may not be in harmony with the adopted comprehensive plan.

3. A plan shall be submitted which depicts the proposed alteration and the overall impact or effect of the alteration to the structure. No such alteration shall result in an increase in building square footage, an increase in the area of the building occupied by the nonconforming use, or in the relocation of the building on the site.
4. Such special exception may be approved notwithstanding any existing nonconformity and any nonconformity that may be created by the public improvement, and approval of the special exception shall permit such nonconformities to continue as nonconformities.

Upon approving a special exception, the Board may impose such conditions as deemed necessary to address any impacts of the nonconformity or proposed modification.

9-620 Waiver of Certain Sign Regulations

The purpose of this special exception is to provide some relief where appropriate for those signs in the C and I districts which, because of certain unusual circumstances as specified below, do not provide identification as intended by the sign regulations. In the C and I districts, the Board may approve, either in conjunction with the approval of a rezoning or as a Category 6 special exception, a modification or waiver of the sign regulations in accordance with the following:

1. Such waiver may be for an increase in sign area, increase in sign height or different location of a sign, not otherwise provided by Sect. 12-304. Such waiver shall not allow the erection of a freestanding sign or off-site sign, not otherwise permitted by this Ordinance, or the establishment of any sign prohibited by the provisions of Sect. 12-104.
2. Such waiver may be approved only when it is demonstrated by the applicant that there are unusual circumstances or conditions in terms of location, topography, size or configuration of the lot; access to the lot; unusual size or orientation of the structure on the lot; or other unique circumstance of the land or structure that impacts the applicant's ability to provide for a reasonable identification of the use.
3. It is determined that such waiver will be in harmony with the policies of the adopted comprehensive plan.
4. A waiver of the sign provisions may be approved only in those locations where, based upon a review of the relationship of the sign to the land, buildings and conforming signs in the neighborhood, it is determined that the sign will not have any deleterious effect on the existing or planned development of adjacent properties and that it is consistent with the purpose and intent of Article 12.

9-621 Provisions for Outdoor Storage in Association with Warehousing Establishments in the Sully Historic Overlay District

The Board may approve a special exception authorizing the establishment of outdoor storage in association with a warehousing establishment on land zoned I-5 or I-6 in the Sully Historic Overlay District in accordance with the provisions of Sect. A1-303.

GLOSSARY

This Glossary is provided to assist the public in understanding the staff evaluation and analysis of development proposals. It should not be construed as representing legal definitions. Refer to the Fairfax County Zoning Ordinance, Comprehensive Plan or Public Facilities Manual for additional information.

ABANDONMENT: Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.

ACCESSORY DWELLING UNIT (OR APARTMENT): A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT: Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.

AGRICULTURAL AND FORESTAL DISTRICTS: A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

BARRIER: A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.

BEST MANAGEMENT PRACTICES (BMPs): Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by nonpoint sources in order to improve water quality.

BUFFER: Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.

CHESAPEAKE BAY PRESERVATION ORDINANCE: Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.

CLUSTER DEVELOPMENT: Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted by the applicable zoning district. See Sect. 2-421 and Sect. 9-615 of the Zoning Ordinance.

COUNTY 2232 REVIEW PROCESS: A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

dBA: The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dBA value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.

DENSITY: Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use, or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.

DENSITY BONUS: An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.

DEVELOPMENT CONDITIONS: Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

DEVELOPMENT PLAN: A graphic representation which depicts the nature and character of the development proposed for a specific land area; information such as topography, location and size of proposed structures, location of streets trails, utilities, and storm drainage are generally included on a development plan. A development plan is a submission requirement for rezoning to the PRC District. A **GENERALIZED DEVELOPMENT PLAN (GDP)** is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A **CONCEPTUAL DEVELOPMENT PLAN (CDP)** is a submission requirement when filing a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A **FINAL DEVELOPMENT PLAN (FDP)** is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

EASEMENT: A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, utility easement, construction easement, etc. Easements may be for public or private purposes.

ENVIRONMENTAL QUALITY CORRIDORS (EQCs): An open space system designed to link and preserve natural resource areas, provide passive recreation and protect wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Vol. 1 of the Comprehensive Plan.

ERODIBLE SOILS: Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

FLOODPLAIN: Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

FLOOR AREA RATIO (FAR): An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

FUNCTIONAL CLASSIFICATION: A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways, Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

GEOTECHNICAL REVIEW: An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

HYDROCARBON RUNOFF: Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff, and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

IMPERVIOUS SURFACE: Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

INFILL: Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

INTENSITY: The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

Ldn: Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measurement assigns a "penalty" to night time noise to account for night time sensitivity. Ldn represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

LEVEL OF SERVICE (LOS): An estimate of the effectiveness of a roadway to carry traffic, usually under anticipated peak traffic conditions. Level of Service efficiency is generally characterized by the letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

MARINE CLAY SOILS: Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.

OPEN SPACE: That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may function as a buffer between land uses or for scenic, environmental, or recreational purposes.

OPEN SPACE EASEMENT: An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request of the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700, et seq.

P DISTRICT: A "P" district refers to land that is planned and/or developed as a Planned Development Housing (PDH) District, a Planned Development Commercial (PDC) District or a Planned Residential Community (PRC) District. The PDH, PDC and PRC Zoning Districts are established to encourage innovative and creative design for land development; to provide ample and efficient use of open space; to promote a balance in the mix of land uses, housing types, and intensity of development; and to allow maximum flexibility in order to achieve excellence in physical, social and economic planning and development of a site. Refer to Articles 6 and 16 of the Zoning Ordinance.

PROFFER: A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.2-2303 (formerly 15.1-491) of the Code of Virginia.

PUBLIC FACILITIES MANUAL (PFM): A technical text approved by the Board of Supervisors containing guidelines and standards which govern the design and construction of site improvements incorporating applicable Federal, State and County Codes, specific standards of the Virginia Department of Transportation and the County's Department of Public Works and Environmental Services.

RESOURCE MANAGEMENT AREA (RMA): That component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

RESOURCE PROTECTION AREA (RPA): That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

SITE PLAN: A detailed engineering plan, to scale, depicting the development of a parcel of land and containing all information required by Article 17 of the Zoning Ordinance. Generally, submission of a site plan to DPWES for review and approval is required for all residential, commercial and industrial development except for development of single family detached dwellings. The site plan is required to assure that development complies with the Zoning Ordinance.

SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP): Uses, which by their nature, can have an undue impact upon or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors; a special permit requires a public hearing and approval by the Board of Zoning Appeals. Unlike proffers which are voluntary, the Board of Supervisors or BZA may impose reasonable conditions to assure, for example, compatibility and safety. See Article 8, Special Permits and Article 9, Special Exceptions, of the Zoning Ordinance.

STORMWATER MANAGEMENT: Engineering practices that are incorporated into the design of a development in order to mitigate or abate adverse water quantity and water quality impacts resulting from development. Stormwater management systems are designed to slow down or retain runoff to re-create, as nearly as possible, the pre-development flow conditions.

SUBDIVISION PLAT: The engineering plan for a subdivision of land submitted to DPWES for review and approved pursuant to Chapter 101 of the County Code.

TRANSPORTATION DEMAND MANAGEMENT (TDM): Actions taken to reduce single occupant vehicle automobile trips or actions taken to manage or reduce overall transportation demand in a particular area.

TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROGRAMS: This term is used to describe a full spectrum of actions that may be applied to improve the overall efficiency of the transportation network. TSM programs usually consist of low-cost alternatives to major capital expenditures, and may include parking management measures, ridesharing programs, flexible or staggered work hours, transit promotion or operational improvements to the existing roadway system. TSM includes Transportation Demand Management (TDM) measures as well as H.O.V. use and other strategies associated with the operation of the street and transit systems.

URBAN DESIGN: An aspect of urban or suburban planning that focuses on creating a desirable environment in which to live, work and play. A well-designed urban or suburban environment demonstrates the four generally accepted principles of design: clearly identifiable function for the area; easily understood order; distinctive identity; and visual appeal.

VACATION: Refers to vacation of street or road as an action taken by the Board of Supervisors in order to abolish the public's right-of-passage over a road or road right-of-way dedicated by a plat of subdivision. Upon vacation, title to the road right-of-way transfers by operation of law to the owner(s) of the adjacent properties within the subdivision from whence the road/road right-of-way originated.

VARIANCE: An application to the Board of Zoning Appeals which seeks relief from a specific zoning regulation such as lot width, building height, or minimum yard requirements, among others. A variance may only be granted by the Board of Zoning Appeals through the public hearing process and upon a finding by the BZA that the variance application meets the required Standards for a Variance set forth in Sect. 18-404 of the Zoning Ordinance.

WETLANDS: Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corps of Engineers

TIDAL WETLANDS: Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code includes tidal shores and tidally influenced embayments, creeks, and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

Abbreviations Commonly Used in Staff Reports

A&F	Agricultural & Forestal District	PDH	Planned Development Housing
ADU	Affordable Dwelling Unit	PFM	Public Facilities Manual
ARB	Architectural Review Board	PRC	Planned Residential Community
BMP	Best Management Practices	RC	Residential-Conservation
BOS	Board of Supervisors	RE	Residential Estate
BZA	Board of Zoning Appeals	RMA	Resource Management Area
COG	Council of Governments	RPA	Resource Protection Area
CBC	Community Business Center	RUP	Residential Use Permit
CDP	Conceptual Development Plan	RZ	Rezoning
CRD	Commercial Revitalization District	SE	Special Exception
DOT	Department of Transportation	SEA	Special Exception Amendment
DP	Development Plan	SP	Special Permit
DPWES	Department of Public Works and Environmental Services	TDM	Transportation Demand Management
DPZ	Department of Planning and Zoning	TMA	Transportation Management Association
DU/AC	Dwelling Units Per Acre	TSA	Transit Station Area
EQC	Environmental Quality Corridor	TSM	Transportation System Management
FAR	Floor Area Ratio	UP & DD	Utilities Planning and Design Division, DPWES
FDP	Final Development Plan	VC	Variance
GDP	Generalized Development Plan	VDOT	Virginia Dept. of Transportation
GFA	Gross Floor Area	VPD	Vehicles Per Day
HC	Highway Corridor Overlay District	VPH	Vehicles per Hour
HCD	Housing and Community Development	WMATA	Washington Metropolitan Area Transit Authority
LOS	Level of Service	WS	Water Supply Protection Overlay District
Non-RUP	Non-Residential Use Permit	ZAD	Zoning Administration Division, DPZ
OSDS	Office of Site Development Services, DPWES	ZED	Zoning Evaluation Division, DPZ
PCA	Proffered Condition Amendment	ZPRB	Zoning Permit Review Branch
PD	Planning Division		
PDC	Planned Development Commercial		